

APPEAL NO. 031518  
FILED AUGUST 4, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 20, 2003. With regard to the sole disputed issue, the hearing officer determined that death benefits are payable to the respondent (Subsequent Injury Fund (SIF)) and ordered that the appellant (self-insured) calculate and pay death benefits in a lump sum in accordance with the decision, 1989 Act, and Texas Workers' Compensation Commission (Commission) rules. The self-insured appeals, seeking a determination of the specific amount owed. The appeal file does not contain a response from the SIF.

**DECISION**

Affirmed as reformed.

The self-insured does not dispute that death benefits are payable to the SIF. Instead, the carrier complains that the hearing officer erred by failing to determine the specific amount owed pursuant to the version of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 132.10 (Rule 132.10), effective on January 1, 1991. In a recent decision, however, we concluded that the version of Rule 132.10, effective March 13, 2000, was applicable to hearings after its effective date. Texas Workers' Compensation Commission Appeal No. 031519, decided July 25, 2003. The amended rule does not require a Commission order to specify the amount of death benefits to be paid. See Id. Accordingly, we will not reverse the hearing officer's decision on this basis.

The self-insured also complains of language in the decision and order which appears to require the payment of interest on accrued benefits, while precluding the applicability of a discount rate. The hearing officer's decision provides:

**DECISION**

Death benefits are to be paid in a lump sum to the [SIF]. The payment is based on a weekly payment of \$418.40. The interest/discount rate is 4.74%. The entitlement to death benefits began to accrue on November 22, 1996. The amount of the discount continues to diminish until the payment is made.

**ORDER**

Carrier is ordered to calculate and pay death benefits to the [SIF] in a lump sum in accordance with this decision, the Texas Workers' Compensation Act and the Commission's Rules.

In view of our decision above and given the issue presented, we do not believe that the hearing officer was required to decide the amount of interest owed, if any, or the applicability of a discount rate. The hearing officer's directive that payment to the SIF be made in accordance with the 1989 Act and Commission rules gives the self-insured sufficient instruction to ensure compliance with the order. Accordingly, we reform the hearing officer's decision and order to state only that the self-insured is required to pay death benefits to the SIF in accordance with the 1989 Act and Commission Rules.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**COUNTY JUDGE  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Edward Vilano  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Veronica Lopez-Ruberto  
Appeals Judge